

Court of Appeals, State of Michigan

ORDER

Progressive Michigan Insurance Co v David Delekta

Docket No. 300002

LC No. 09-657433-CK

Peter D. O'Connell
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED because dismissal of this appeal based on appellant's failure to timely file his brief on appeal would be an unduly severe sanction where that brief has now been filed and MCR 7.212(A)(4) operates to impose the lesser sanction of forfeiting the right to oral argument where a brief is not timely filed.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 04 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk